



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 15, 1993

Ms. Teris Solis  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR93-314

Dear Ms. Solis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 18648.

The Arlington Police Department (the "department") received a request for a copy of a recording of a certain 911 call. You assert the department may withhold this recording based on sections 3(a)(1) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

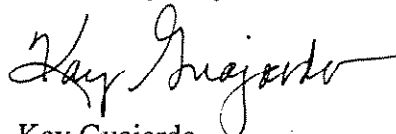
Records are excepted from required public disclosure under exception 3(a)(8) if their release would unduly interfere with the prevention of crime and the enforcement of law. Open Records Decision No. 553 (1990). The exception generally applies to evidentiary information related to a pending criminal case. *See* Attorney General Opinion MW-446 (1992); Open Records Decision No. 366 (1983).

You inform us that the "case has been referred to the district attorney's office and filed in criminal district court No. 4." You say the tape of the call will be used in the

investigation and the prosecution of the alleged assault. We conclude you may withhold the copy of the recording of the 911 call based on section 3(a)(8) of the Open Records Act.

As we conclude that you may withhold the requested information based on section 3(a)(8), we need not consider your claim that the information is excepted from required public disclosure under section 3(a)(1) of the Open Records Act. Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/CAB/jmn

Ref: ID# 18648

Enclosures: submitted documents

cc: Mr. Douglas Baker  
Fire Station 4-C  
1733 West Randall Mill Road  
Arlington, Texas 76012  
(w/o enclosures)